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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,186	02/04/2002	David P. Parks	2577	7122
7590	07/26/2004		EXAMINER PHAM, MINH CHAU THI	
A. Burgess Lowe 101 East Maple Street North Canton, OH 44720			ART UNIT 1724	PAPER NUMBER

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/067,186	PARKS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Minh-Chau T. Pham	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/22/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 27, 28, 30, 32 and 33 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (5,259,854; Abstract; col. 3, lines 17-29 and line 58 through col. 4, line 10; col. 5, lines 59-67).

Newman discloses a dirt collecting system for a floor care appliance comprising a suction nozzle, a motor fan assembly for creating a dirt laden airstream originating at the suction nozzle and disposable vacuum cleaner canister with a layer of a filtration media of HEPA for filtering 99.97% of particles 0.3 microns or larger. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a disposable canister or any other type of container or bag with an HEPA filter as taught by Newman for a floor care appliance so that the HEPA filter would remove substantially all of the harmful contaminants from the air stream and the container with particulates can be disposed afterwards.

Claims 1-26, 29, 31 and 34 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (5,259,854; Abstract; col. 3, lines 17-29 and line 58 through col. 4, line 10; col. 5, lines 59-67), as applied supra, in view of any one of Requejo et al (5,090,975; Abstract; 22, 23 & 24 in Fig. 2; col. 1, lines 15-24; col. 7, lines 40-56), Zhang (6,156,086; Abstract; col. 3, line 35 through col. 4, line 9; col. 8, lines 51-58) and Bosses (5,080,702; Fig. 1; col. 3, line 56-66; col. 4, lines 19-20), and further in view of

Maeoka et al (6,030,484; Abstract; col. 1, lines 5-10, lines 29-35 and line 61 through col. 2, line 15; col. 2, lines 26-29) and Wnenchak et al (6,110,243; col. 4, lines 7-46).

Any one of Requejo et al, Zhang and Bosses discloses a filtration bag for a floor care appliance comprising a closed receptacle for collecting dirt particles having an inlet opening for allowing a dirt laden air stream to enter. Requejo et al further disclose the bag comprising cellulose or synthetic fibers such as polyolefin, and the front panel portion and bottom panel portion sealed together by folding and an adhesive for by mechanical means such as sewing or by thermal bonding. Zhang discloses the filter bag comprising polyolefin and the sidewalls of bag are joined by seams via thermal bonding method. Bosses discloses the filter bag can be made out of wood paper, hemp paper or any other filter paper or fabric well-known in the art. Bosses further discloses a vacuum cleaner comprising a suction nozzle, a motor fan assembly and a filtration bag. Either Requejo et al or Zhang discloses a method of making a filtration bag comprising the steps of providing a sheet of composite material, folding sheet of composite material, sealing together respective edges by a seam, and providing an aperture in a front sidewall of the receptacle wherein a dirt laden air stream enters. Both Maeoka et al and Wnenchak et al disclose an air filter comprising a laminate of non woven fabric made up of polyolefin or polyester fibers or a composite of the non woven fabrics and a PTFE porous film. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the canister of Newman by a filtration bag as taught by any one of Requejo et al, Zhang and Bosses with a layer of PTFE film as taught by either Maeoka et al or Wnenchak et al since

PTFE is well known in the art that filter media made from thin membrane of ePTFE, which is particularly light weight and flexible, air flow through the filter element is very high relative to conventional laminated materials and, accordingly, very low energies are required to dislodge the collected dirt from its surface.

Claims 12 and 15 call for the filter bag being square. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the filter bag being square, rectangular, or any other desired shape since it is well settled that mere change of shape without affecting the function of the part would have been an obvious design modifications. Eskimo Pie Corp v. Levous et al 3 USPQ 23.

### ***Response to Arguments***

Applicant's arguments filed on March 22, 2004 have been fully considered but they are not persuasive.

Applicant first argues that none of the cited references discloses "a disposable filtration bag maintaining a HEPA rating". The Examiner newly introduces Newman as a primary reference wherein Newman discloses a disposable canister containing a HEPA filtration mechanism in conjunction with a removably mounted vacuum motor assembly, wherein the filtration mechanism includes a HEPA filter for filtering 99.97% of particles 0.3 microns or larger (see Abstract and col. 3, lines 62-68). Newman also discloses the canister is disposable. Applicant goes on arguing the difference between a canister and a bag. The Examiner respectfully disagrees. Any canister or filter bag is a means for collecting dust particles in a floor care appliance. The Examiner re-introduces Requejo et al, Zhang and Bosses as secondary references to show that the "canister" of

Newman can be replaced by a filtration bag as taught by any one of Requejo et al, Zhang and Bosses, in combination with either Maeoka et al or Wnenchak et al as tertiary references for a layer of PTFE because PTFE film is well known in the art that filter media made from thin membrane of ePTFE, which is particularly light weight and flexible, air flow through the filter element is very high relative to conventional laminated materials and, accordingly, very low energies are required to dislodge the collected dirt from its surface.

Applicant's arguments with respect to claims 1-34 as well as the filed affidavit and Exhibits A-E have been thoroughly considered but are moot in view of the new ground(s) of rejections as discussed above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571)

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272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Minh-Chau Pham**  
**Patent Examiner**  
**Art Unit: 1724**  
**July 13, 2004**

**DUANE SMITH**  
**PRIMARY EXAMINER**

  
7-21-04